



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 5  
77 WEST JACKSON BOULEVARD  
CHICAGO, IL 60604-3590

US EPA RECORDS CENTER REGION 5



497676

REPLY TO THE ATTENTION OF:

**MAR 18 2003**

**CERTIFIED MAIL**  
**RETURN RECEIPT REQUESTED**

La Salle State Bank, Trustee  
Duncan Realty Trust  
c/o John S. Duncan, Esq.  
Herbolsheimer, Lannon, Henson, Duncan and Regan, PC  
State Bank Building  
654 First Street  
Suite 400  
La Salle, Illinois 61301

RE: Old La Salle Dump Site, La Salle County, Illinois  
Second Request for Information

Dear Mr. Duncan:

As you know, U.S. EPA is investigating the release or threat of release of hazardous substances, pollutants or contaminants at the Old La Salle Dump Site and the effects of these substances on the environment and public health. In addition, U.S. EPA is seeking to identify parties that contributed to the contamination at the site, parties that own or operate the site or that owned or operated the site in the past, and the ability of parties to pay the costs of investigation and clean-up.

U.S. EPA issued a Request for Information concerning the site to La Salle State Bank, as Trustee for the Duncan Realty Trust, on July 15, 2001. La Salle State Bank submitted its response to that information request by letter dated December 3, 2002. (Under separate cover, U.S. EPA is seeking a more complete response to several of the questions in that information request.) This letter contains a separate, second Request for Information addressed to La Salle State Bank, Trustee for Duncan Realty Trust, about the Old La Salle Dump Site.

Please provide a complete and accurate response to the questions in Attachment 1 within 30 days of receipt of this letter. Instructions for the preparation of La Salle State Bank's response are included in Attachment 2 and definitions of the terms used in this Information Request are stated in Attachment 3.

We make this request under the federal Superfund law (the Comprehensive Environmental Response, Compensation and Liability Act, 42 U.S.C. Section 9601, et seq., commonly referred to CERCLA or Superfund). The Superfund law gives U.S. EPA the authority to assess the threats to human health and the environment posed by contaminated sites and to cleanup those sites. Under Section 104(e)(2) of CERCLA, 42 U.S.C. Section 9604(e)(2), the U.S. EPA has information-gathering authority that allows the Agency to require persons and corporations to furnish information or documents. Attachment 5 is a summary of the legal authority.

Compliance with this Information Request is mandatory. The Superfund statute provides that failure to answer the questions fully and truthfully, and within the prescribed time frame, can result in an enforcement action and penalties. Other statutes provide that the submission of false, fictitious or fraudulent statements or misrepresentations can result in sanctions.

You may consider some or all of the information that U.S. EPA is requesting above to be confidential. Under CERCLA you may not withhold information on that basis, but you may ask U.S. EPA to treat the information as confidential. To request that the Agency treat your information as confidential, you must follow the procedures outlined in Attachment 4, including the requirement that you support your claim for confidentiality.

The U.S. EPA has the authority to use the information that it requests in an administrative, civil or criminal action.

This information request is not subject to the approval requirements of the Paperwork reduction Act of 1980, 44 U.S.C. Section 3501 et seq.

Please return your response to U.S. EPA within 30 days to:

U.S. Environmental Protection Agency  
Deena Sheppard-Johnson, SR-6J  
Remedial Enforcement Support Section  
77 West Jackson Blvd.  
Chicago, Illinois 60604

If you have any legal questions concerning this letter, please call Terry Branigan, Associate Regional Counsel, at (312) 353-4737. If you have technical questions about this site,

please call Giang-Van Nguyen at (312) 886-6726. Address all other questions to Deena Sheppard-Johnson, Enforcement Specialist at (312) 886-7048.

We appreciate your assistance and look forward to your prompt response to this letter.

Sincerely,



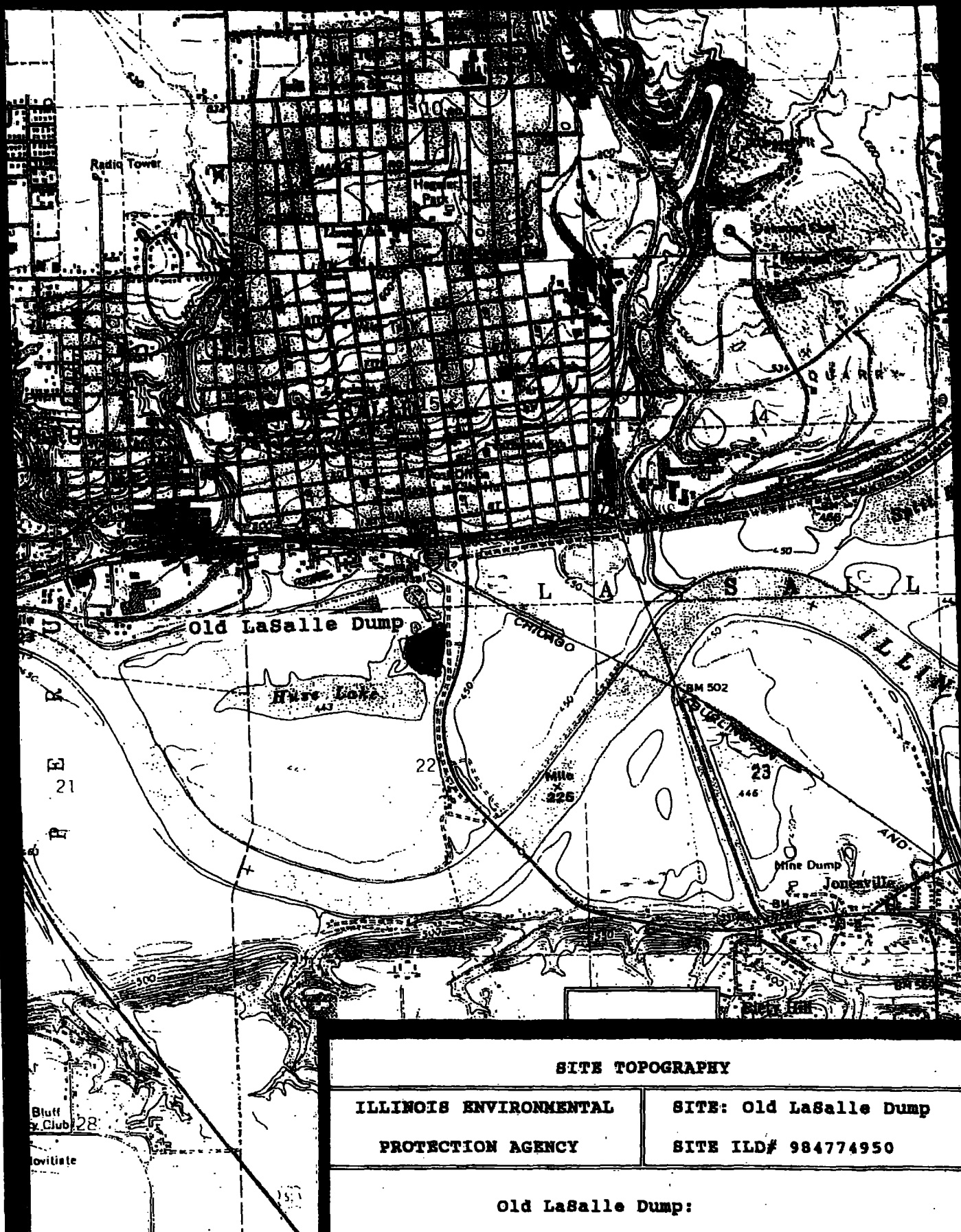
T. Leverett Nelson, Chief  
Section III, Multi-Media Branch I  
Office of Regional Counsel

Attachments:    1.    Questions  
                  2.    Instructions  
                  3.    Definitions  
                  4.    Confidential Business Information  
                  5.    Legal Authority

bcc:

Giang-van Nguyen, SR-6J  
Deena Sheppard-Johnson, SR-6J  
Terry Branigan, C-14J

**APPENDIX A  
SITE TOPOGRAPHY  
OLD LASALLE DUMP**



**SOURCE: USGS 7.5 Minute Topographic Series, LaSalle Quadrangle, 1979**

## ATTACHMENT 1

### QUESTIONS

As required by the Instructions, see Attachment 2, please respond to the following questions based upon all information and documents in the possession or control of La Salle State Bank and its employees, agents, contractors, and attorneys.

1. La Salle State Bank's response to Item 13 of the July 15 Information Request states: "There are many individuals who have knowledge and information about the operation of a dump on the "site property", most of whom would be connected to the City of La Salle." Please answer the following questions with respect to this statement:
  - a. Please state the basis of the statement cited above.
  - b. Please state the name and address of each current or past beneficiary of the Trust and each current or past employee of the Trustee that has knowledge and information about the operation of a dump on the site property.
  - c. Please state the name and address of each other individual known to La Salle State Bank or its employees, agents, contractors, or attorneys to have knowledge and information about the operation of the dump on the site.
2. La Salle State Bank's responses to Item 14 states: "The operation of the dump on the "site property" was totally within the control of the City of La Salle." Please state the basis of this statement.
3. La Salle State Bank's response to question 15 states that the Trust does not maintain financial statements. Please state whether the Trust possesses any documents that summarize in whole or in part: (i) trust income, expenses, and/or disbursements; and/or (ii) trust assets and liabilities. If the answer is yes, please provide copies of all such documents that relate to the past three years.
4. With respect to each current beneficiary of the Trust, please answer all of the following questions:

- a. State the size of the beneficiary's interest in the Trust.
- b. Describe how the beneficiary acquired the interest in the Trust (e.g., purchase, inheritance, bequest, devise, or other (please describe)).
- c. Describe when the beneficiary acquired the interest in the Trust.
- d. State the name and address of the person or individual from whom the beneficiary acquired the interest in the Trust.

## ATTACHMENT 2

### INSTRUCTIONS

1. Answer each of the questions in this Information Request separately.
2. Precede each answer with the number of the question to which it corresponds.
3. In answering each question, state the names, addresses and telephone numbers of all persons and contributing sources of information.
4. Although the U.S. EPA seeks your cooperation in this investigation, CERCLA requires that you respond fully and truthfully to this Information Request. False, fictitious, or fraudulent statements or misrepresentations may subject you to civil or criminal penalties under federal law. Section 104 of CERCLA, 42 U.S.C. Section 9604, authorizes the U.S. EPA to pursue penalties for failure to comply with that Section, or for failure to respond adequately to requests for submissions of required information.
5. In answering each question, state the names, addresses, and telephone numbers of all persons and contributing sources of information.
6. You must supplement your response to U.S. EPA if, after submission of your response, additional information should later become known or available. Should you find at any time after the submission of your response that any portion of the submitted information is false or misrepresents the truth, you must notify U.S. EPA as soon as possible.
7. For any document submitted in response to a question, indicate the number of the question to which it responds.
8. You must respond to each question based upon all information and documents in your possession or control, or in the possession or control of your employees, agents, contractors, and attorneys. Information must be furnished regardless of whether or not it is based on your personal knowledge, and regardless of source.
9. Your response must be accompanied by the following statement, or one that is substantially equivalent:



I certify under penalty of law that I have personally examined and am familiar with the information submitted in responding to this information request. Based on my review of relevant documents and discussions with individuals immediately responsible for providing relevant information and documents, I believe that the information provided is true, accurate and complete, to the best of my knowledge. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

The certification must be signed by a responsible official of LaSalle State Bank. Please include the official's full title.

10. All requested information must be provided notwithstanding its possible characterization as confidential information or trade secrets. If desired, you may assert a business confidentiality claim by means of the procedures described in Attachment 4.

## ATTACHMENT 3

### DEFINITIONS

1. As used in this letter, words in the singular also include the plural and words in the masculine gender also include the feminine and vice versa.

2. The terms **you**, **your**, and **Respondent** mean La Salle State Bank, the addressee of this Information Request.

3. The terms **Old La Salle Dump Site**, **site**, and **site property** mean the property south of the City of LaSalle, Illinois, that is bordered on the north, south, and west by Huse Lake and on the east by Highway 351, as generally depicted in the map in Appendix A. The site property is believed to be located within Parcel No. 18-22-202-000, in Section 22, Township 33 North, Range 1 East, La Salle County, Illinois, within a subparcel described as follows:

59.80 acres, more or less, located in Section Twenty-Two (22) in Township Thirty-Three (33) North, Range One (1) East of the Third Principal Meridian, described as follows: Beginning at the Northwest corner of the East half (E-1/2) of the Northwest Quarter (NW-1/4) of Section Twenty-Two (22) aforesaid, thence East Twenty-Six (26) chains to the center of the road leading from LaSalle to Shippingsport; thence along center of said road South 3.5 degrees East as the needle pointed March 28, 1875, Twenty-Three and Seventy-Five Hundredths (23.75) chains; thence West Twenty-Four and Fifty-Two Hundredths (24.52) chains to the West line of said East Half (E-1/2) of said Northwest Quarter (NW-1/4); thence on said line to place of beginning; being 48.50 acres located in the East Half (E-1/2) of the Northwest Quarter (NW-1/4) of said Section Twenty-Two (22) and 11.30 acres located in the Northeast Quarter (NE-1/4) of said Section Twenty-Two (22) West of Shippingsport Road; all situated in LaSalle County, Illinois.

A dump, now known as the Old LaSalle Dump, was operated at the site.

4. The term **dump** means an accumulation of refuse and discarded materials and/or a place where such materials are dumped.

5. The term **Duncan Realty Trust** means the Duncan Realty Trust established pursuant to a trust agreement dated August 10, 1989, as it may have been amended or revised from time to time.

6. The term **person** as used herein includes any natural person, firm, contractor, unincorporated association, partnership, corporation, trust or governmental entity, unless the context indicates otherwise.

7. The term **hazardous substance** is defined in Section 101(14) of CERCLA, and also includes any mixtures of such hazardous substances with any other substances, including petroleum products.

8. The term, **pollutant** or **contaminant** is defined in Section 101(33) of CERCLA, and also includes any mixtures of such pollutants and contaminants with any other substances.

9. The term **release** is defined in Section 101(22) of CERCLA, and means any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping, or disposing into the environment, including the abandonment or discarding of barrels, containers, and other closed receptacles containing any hazardous substance, pollutant, or contaminant.

10. All terms not defined herein shall have their ordinary meaning, unless such terms are defined in CERCLA, RCRA, 40 C.F.R., Part 300 or 40 C.F.R., Part 260-280, in which case, the statutory or regulatory definitions shall apply.

#### ATTACHMENT 4

##### CONFIDENTIAL BUSINESS INFORMATION

You may consider some of the information that the U.S. EPA is requesting to be confidential. You cannot withhold information or records upon that basis. The Regulations at 40 C.F.R. Part 2, Section 200 *et seq.* require that the U.S. EPA afford you the opportunity to substantiate your claim of confidentiality before the Agency makes a final determination on the confidentiality of the information.

You may assert a business confidentiality claim covering part or all of the information requested, in the manner described by 40 C.F.R. 2.203(b). Information covered by such a claim will be disclosed by the U.S. EPA only to the extent and only by means of the procedures set forth in 40 C.F.R. Part 2, Subpart B. (See 41 Federal Register 36902 *et seq.* (September 1, 1976); 43 Federal Register 4000 *et seq.* (December 18, 1985).) If no such claim accompanies the information when the U.S. EPA receives it, the information may be made available to the public by the Agency without further notice to you. Please read these cited regulations carefully, together with the standards set forth in Section 104(e)(7) of Comprehensive Environmental Response Compensation Liability Act (CERCLA), because, as stated in Section 104(e)(7)(ii), certain categories of information are not properly the subject of a claim of confidential business information.

If you wish the U.S. EPA to treat the information or record as confidential, you must advise the U.S. EPA of that fact by following the procedures described below, including the requirement for supporting your claim of confidentiality. To assert a claim of confidentiality, you must specify which portions of the information or documents you consider confidential. Please identify the information or document that you consider confidential by page, paragraph, and sentence. You must make a separate assertion of confidentiality for each response and each document that you consider confidential. Submit the portion of the response that you consider confidential in a separate, sealed envelope. Mark the envelope "confidential", and identify the number of the question to which it is the response.

For each assertion of confidentiality, identify:

1. The period of time for which you request that the Agency consider the information confidential, e.g., until a specific date or until the occurrence of a specific event;
2. The measures that you have taken to guard against disclosure of the information to others;
3. The extent to which the information has already been disclosed to others and the precautions that you have taken to ensure that no further disclosure occurs;
4. Whether the U.S. EPA or another federal agency has made a pertinent determination on the confidentiality of the information or document. If an agency has made such a determination, enclose a copy of that determination;
5. Whether disclosure of the information or document would be likely to result in substantial harmful effects to your competitive position. If you believe such would result from any disclosure, explain the nature of the harmful effects, why the harm should be viewed as substantial, and the causal relationship between disclosure and the harmful effect. Include a description of how a competitor would use the information;
6. Whether you assert that the information is voluntarily submitted as defined by 40 C.F.R. 2.201(I). If you make this assertion, explain how the disclosure would tend to lessen the ability of the U.S. EPA to obtain similar information in the future;
7. Any other information that you deem relevant to a determination of confidentiality.

Please note that pursuant to 40 C.F.R. 2.208(e), the burden of substantiating confidentiality rests with you. The U.S. EPA will give little or no weight to conclusory allegations. If you believe that facts and documents necessary to substantiate confidentiality are themselves confidential, please identify them as such so that the U.S. EPA may maintain their confidentiality pursuant to 40 C.F.R. 2.205(c). If you do not identify this information and documents as "confidential", your comments will be available to the public without further notice to you.

## ATTACHMENT 5

### DESCRIPTION OF LEGAL AUTHORITY

The federal Superfund law (the Comprehensive Environmental Response, Compensation and Liability Act, 42 U.S.C. Section 9601, *et seq.* (commonly referred to as CERCLA or Superfund) gives U.S. EPA the authority to, among other things: 1) assess contaminated sites, 2) determine the threats to human health and the environment posed by each site, and, 3) clean up those sites.

Under Section 104(e) (2) of CERCLA, 42 U.S.C. Section 9604 (e) (2), U.S. EPA has broad information gathering authority which allows U.S. EPA to require persons to furnish information or documents relating to:

- A. The identification, nature, and quantity of materials which have been or are generated, treated, stored, or disposed of at a vessel or facility, or transported to a vessel or facility;
- B. The nature or extent of a release or threatened release of a hazardous substance or pollutant or contaminant at/or from a vessel or facility;
- C. The ability to pay the costs of the clean-up.

Compliance with this Information Request is mandatory. Failure to respond fully and truthfully to each question within this Information Request and within the prescribed time frame can result in an enforcement action by U.S. EPA pursuant to Section 104(e) (5) of CERCLA. This Section also authorizes an enforcement action with similar penalties if the recipient of the Request does not respond and does not justify the failure to respond. Other statutory provisions (18 U.S.C. Section 1001) authorize separate penalties if the responses contain false, fictitious or fraudulent statements. The U.S. EPA has the authority to use the information requested in this Information Request in an administrative, civil or criminal action.

# **STANDARD MAIL SERVICE**

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- ☐ Print your name and address on the reverse so that we can return the card to you.
- ☐ Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

DUNCAN REALTY TRUST  
c/o JOHN S DUNCAN, ESQ.  
HERBOLSHIMER, LANNON, HENSON, et al  
654 FIRST ST #400 STATE BANK BLDG  
LASALLE IL 61301

2. Article Number

(Transfer from service label) 7001 0320 0005 90238 9426

PS Form 3811, March 2001

Domestic Return Receipt

502985-01-00-1-000

A. Received by (Please Print Clearly)

B. Date of Delivery

C. Signature

X

☐ Agent

☐ Addressee

D. Is delivery address different from item 1?

If YES, enter delivery address below:

☐ Yes

☐ No

3. Service Type

☒ Certified Mail

☐ Express Mail

☐ Registered

☒ Return Receipt for Merchandise

☐ Insured Mail

☐ C.O.D.

4. Restricted Delivery? (Extra Fee)

☐ Yes

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- A unique identifier for your mailpiece
- A signature upon delivery
- A record of delivery kept by the Postal Service for 75 years
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- Certified Mail is not available for any class of International Mail
- NO INSURANCE COVERAGE IS PROVIDED for valuables, please consider insured or Registered Mail
- For an additional fee, a Return Receipt may be obtained. (See PS Form 3811 for the price and addressee information.)
- For an additional fee, a duplicate return receipt, a USPS postmark, or a date stamp may be obtained.
- For an additional fee, delivery may be restricted to addressee's authorized agent. (See the carrier's endorsement.)
- It is your responsibility to ensure that the Certified Mail receipt is delivered to the addressee. If a duplicate receipt is not received, request and attach a duplicate receipt to the mailpiece.

PS Form 3811, January 2001 (Reverse)

